

**TOWN OF CECILTON**  
**PLANNING COMMISSION REGULAR MEETING**  
**Tuesday, July 29, 2008**

The Planning Commission held a meeting at Town Hall on Tuesday, July 29, 2008. The following were in attendance:

Linda Mooreland, Chair  
Paul Obenshain, Member  
Kristie Midash, Member  
Helen Zdrojewski, Member

Sonia Wright, Absent

Call to Order at 7:00 p.m.

**REVIEW AND ACT:**

**Tuesday, June 10, 2008 Regular Meeting Minutes:**

Linda Mooreland, Chair Approved the Tuesday, June 10, 2008 Regular Meeting Minutes.

**PROPERTY ACTIVITY REPORT:**

Reviewed without comment.

**BAYSIDE DEVELOPMENT INC.**

Chris Rogers from URS, Kordell Willen from American Engineering and Surveying and Bud Rice, Bayside Development were in attendance.

Kordell Willen said the reason they were before the Commission this evening was to present final plans for Frisby's Meadows Addition and Cecilton Village (attached).

Mr. Willen explained to the Commission that they had been completely through the engineering and design drawings with the various agencies, the Town had reviewed them, the Town engineer had reviewed them for grading and road design, sewer and water design. The County had reviewed them for storm water management. The State Highway reviewed Cecilton Village for access off of Main Street. Mr. Willen explained that a traffic study was not required. He went on to say that Soil Erosion Control had been reviewed and that the Soil Conservation Area had been approved by the Cecil County Department of Planning and Zoning. He explained that all the technical side of this has been approved. He said they had preliminary approval in February of this year from the Town's Planning and Zoning Commission. They then came for final approval but withdrew because of the sewer allocation. He said that they understood that sewer allocation would still be a contingency even with the approval of the Commission this evening. Mr. Willen said that in general, this site is in Town Center Zoning and that allows the Commission a wide range in setting set backs, density etc.

Chris Rogers from URS introduced himself and gave some background. He explained that the Planning and Zoning Commission has the final approval or disapproval authority over sub divisions in the Town, both residential sub divisions and commercial site plans He explained they were at the final stages of the sub division process. He went into the past history of what had already been submitted to the County and to the Town. He explained that the papers submitted this evening were intended to be the record of the sub division. It is to be the final record of how the land was to be subdivided. It would be the final legal document that gets recorded in the land records. He went on to explain that URS had provided letters to the Town (attached) regarding Cecilton

Village, Final Plat/ Major Subdivision Plan and Frisby's Meadows Addition, Final Plat/ Major Subdivision Plan. He explained the letters gave the background of the projects up to this date and the recommendations from URS moving forward on the final plat plan approval. He explained that URS has been reviewing the construction plans that are pertinent to the Town, such as the roads, sewer, water, and storm drains and storm water management, etc. He explained that all those type of facilities would eventually be dedicated to the Town for maintenance. He said the Town has a very strong role in making sure the plans are ok. He continued to say that if the Commission were to approve the plans this evening there would be additional steps to be taken before Bayside Development could record this in the land records. He reviewed Paragraph # 2 as to some of the additional plans that must be approved before the Planning Commission Chair Person signs the final approval plat. He explained that once the plan is signed and recorded the developer would be able to start selling lots. He then went on to Paragraph #3 and explained that prior to the Town signing the final plat the improvements that are going to be built for that sub division must be guaranteed by some sort of financial surety. He said the Town needs to have a Public Works Agreement that guarantees that any roads, storm drains; streetlights, pathways and the water and sewer facilities will be constructed in accordance with the approved plans. He said the Mayor and Council would execute the PWA. He continued to explain paragraph # 3a. A Landscaping Agreement should be executed with the Town. Kordell Wilen said that they had an agreement with the County for the Soil Conservation Trees along with the Landscaping Agreement with the Town of Cecilton. Mr. Rogers went on to Paragraph #3b explaining A Stormwater Management Agreement should be executed between the developer and the County that guarantees that any stormwater management facility will be constructed in accordance with approved plans. The agreement should grant perpetual access to the stormwater management facilities to County personnel for inspections. He explained that it is very unique to Cecilton that the Town Council and Mayor decided that they would not permit Home Owners Associations. The HOA traditionally maintain the common facilities that are not going to be dedicated to the Town. Those facilities typically include a stormwater management pond. He went on to say the stormwater management pond would be built by the developer and then turned over to the Town to maintain. Mr. Rogers went on to explain Paragraph # 4 and explained that the Planning Commission Chair should not sign the Final Plat until URS determines that the Wastewater Treatment Plant is substantially complete and capacity is available as determined by the Maryland Department of the Environment. Capacity should be considered in accordance with a Capacity Management Plan adopted by Town Council. He explained that the contractor that is building the wastewater treatment plan has now exceeded the contractual obligated schedule for completion. Mayor Bunnell commented that he is having a meeting this week with all parties concerned in the completing of the Treatment Plant and that he feels the end of August might be within reason. Chris Rogers said that the last sentence in Paragraph # 4 which says, "Capacity should be considered in accordance with a Capacity Management Plan adopted by Town Council" is very important because it is a tool jurisdictions use to make sure they do not over allocate whatever capacity is remaining. Mr. Rogers went on to explain once the Capacity Management Plan is recorded the Town is guaranteeing that water and sewer capacity is available for these residents. It is an important tool to keep track of capacity. Member Mooreland asked if the Town has capacity for all the plans that are currently before the Commission. He replied that the capacity is fine. Member Midash wanted to know when the allocations are actually paid for since there are allocations set aside for future building already before the Commission. Mr. Rogers said that the Public Works Agreement that URS typically deals with has a time period in which the developer has to use and pay for the allocation. He went on to explain that the plan before the Commission this evening does not include any specific development for the commercial plan that will be presented as a separate site plan. Mayor Bunnell interjected that the Town of Cecilton already has a "Ready to serve" plan in place. Member Zdrojewski asked Mr. Rice if part of this plan is a 55 plus community. He responded that is how it will be marketed; however it will not be a deed restriction. Mr. Willen explained that there were too many restrictions to technically call it a 55 plus community, but the footprints of the units are for an older age group. Mr. Rogers went on to Paragraph #5, The Town Development Design Standards. He explained the developer must also incorporate the Town of Cecilton Design Standards into any plan presented to the Commission for approval. He went on to say that it has never really been discussed as to how this is going to work. He explained that the Planning and Zoning Commission shall be responsible for administrating the Design Standards before any building permit may be issued. Mr. Rogers said, "What I am assuming is what you don't want to have

happen is that every time that they apply for a building permit, that building permit plan has to come in here and go over in detail. What I was thinking would be acceptable to the Planning Commission would be that they submit a series of plans that they could choose from. Then you approve that package of different building models that would go into that development. That becomes a part of the approval of the Planning Commission. Once they apply for a building permit, if the Town staff feels that particular building permit plan is consistent with the plan that has been approved, at that time the Town can issue the permits. That is one way to do it. Another way is to have all the building permits come before the Planning Commission.” Kordell said that they have already submitted preliminary plans for the duplexes and the commercial center. Bud Rice said all the duplexes will all be the same. He said that the eight homes in Frisby’s Meadows Addition would be submitted individually because they will be custom homes. Member Mooreland said that some of the preliminary plans may have to be changed to comply with the Design Standards and it was explained that the Standards were available on the Internet at the Town’s web site. Chris Rogers went on to say that the Design Standards does address the layout of the sub division. He further said that a lot of things need to be done before this plat can be recorded and permits issued. He said he thinks that one of the things that needed to be added to the list is that the Planning Commission needs to see the building plans. He said that he recommends that instead of reviewing each individual building permit, as it comes in, that instead the Commission should consider some kind of a package and the Town staff could administer it. Member Obenshain asked if URS had reviewed the pallet for the proposed construction of 18 units under the Design Standard Ordinance yet? Mr. Rogers replied that they had not. Member Obenshain reiterated that would need to be done before any permits were to be issued. Mr. Rogers went on to address Paragraph # 6 County approved Forest Conservation Plan. He said it was agreed that when there is no viable room for forestation on the lot that is being developed it is permitted for the trees to be placed offsite. The plans have already been made for the Town Park to receive the trees. Paragraph # 7, phasing of the Frisby Meadows Addition improvements relative to Cecilton Village improvements: Mr. Rogers helped explain the plans now before the Commission as to extending of the grid street system, and the placing of the units. Mr. Rogers explained that Frisby’s Meadows Addition and Cecilton Village are all being considered as a joint project. He said he wanted to make sure that improvements of Creamery Drive are going to be guaranteed at the same time that they seek approval of Bayside. He went on to say they must both be recorded at the same time. Kordell said he only wanted to comment that he could not do the road too early due to construction traffic. Bud Rice said his thoughts on the building phases were as follows: He said he felt the commercial units should be built first, then the duplexes. He said the ideal way would be to put all the roads in so when somebody actually came in to purchase a home they could actually see where it was going to be built. He said that was his intention to do the roads first and then stake out the lots. Mr. Rogers went on to say that the last three paragraphs (# 8,9,10) were sort of relatively technical and picky in nature relative to the actual plats. He went on to explain the different easements etc. He went on to say that concrete survey monuments will be required. Member Obenshain wanted to go over the fact that the maintenance of the various drainage and utility easements and stormwater management areas will have to be turned over to the Town at some point. It was explained to the Commission that Cecil County Dept of Public Works requires the right for them to be able to come in and inspect it, even though it is a Town facility. Chris Rogers interjected to say that was the point in paragraph #9, since there will be no Home Owners Association. He stated that it needed to be clear as to who was going to be responsible for the maintenance of the drainage and utility easements and stormwater management areas. Member Zdrojewski asked if the draining ponds would have fences? The answer was yes they would have fences. Member Midash said that basically the only thing that the Town will be responsible for would be the storm water management area. Conversation took place about restrictions to protect the swale and draining ponds from any obstructions and it was suggested by member Obenshain that deed restrictions be put in place regarding those possible obstructions since the Town will have to maintain that easement area plus requiring monuments as well to each of the effected lots. Mr. Rogers suggested that covenants be recorded to restrict the access to the easement. Chris Rogers explained that he handed out letters that were essentially same for Frisby’s Meadows Addition and Cecilton Village. He said that both Frisby’s Meadows Addition and Cecilton Village must be recorded together and that the roads were financially guaranteed at the same time. He said the Commission had two final plats before them and if they were comfortable with what they heard they could make a decision. He went on to explain they could approve with conditions. He pointed out the conditions

in the letters reviewed tonight. He said for example prior to the Chairperson signing this plat we are going to make sure all these other plans are improved as in Paragraph #1, Paragraph #3, prior to the Chairperson signing this plat that the Public Works Agreement is executed, the Landscape Agreement is executed, that the Stormwater Management Agreement is executed etc. Mr. Rogers also said that the Planning Commission is not responsible for permitting of water and sewer hook ups and that was the responsibility of the Mayor and Council. He went on to say that the Planning and Zoning Commission's responsibility was to approve or not approve the sub division plans. Member Obenshain made a motion to accept both the plats provided for Logan Court and for the build out of 8 lots for Frisby's Meadows, Creamery Drive, contingent upon all the stipulations in both documents provided by the Town Engineer being followed as well as the Design Standards being applied to all building lots and the area of Logan Court, both commercial and residential and also the easements recorded for the property on Logan Court that has storm water management access and that as discussed these plats are not signed by the Planning Commission Chairperson until all these stipulations are met. Kristy Midash seconded the motion. The motion carried.

## **COMPREHENSIVE PLAN – GROWTH ALTERNATIVES OF COMP PLAN DRAFT:**

Morgan Ellis from the Eastern Shore Land Conservancy introduced herself. She explained she was invited to speak to the Commission by Mayor Bunnell regarding any questions they may have regarding green belt areas around the town of Cecilton. Chris Rogers reviewed with the Commission that one of the important obligations of the Commission was to make recommendations to the Mayor and Council regarding the Comprehensive Plan. He said the Comprehensive Plan is the Town's overall land use policy document that sets forth recommendations on land use, transportation, design standards, facilities, etc. He went on to say that it is not a regulation but it is a comprehensive policy document. He said this plan, once adopted by the Mayor and Council will then form the basis for all the other zoning ordinances, sub division regulations, future facilities, etc. Mr. Rogers explained the history of the Comprehensive Plan. He said that the original plan was from 1998. Then the Town decided to update the Plan and the Commission began work on the 2006 version. At that time the State of Maryland said by the year 2009 all Comprehensive Plans in the State must include three addition items. Instead of the Town paying for another revision it was decided that the Town would put off adopting the 2006 Comprehensive Plan and go forward to incorporate the new requirements into the plan being discussed before the Commission at this time. Mr. Rogers went on to explain that when the Town went to update the Plan in 2006 the Commission kept one of the most important elements of the Plan, the land use element. They had decided to keep the 1998 land use element and incorporate the land use element into the 2006 draft plan. He went on to say that when URS executed a contract with the Town in 2006 to finish the 2006 Plan, they were intending to keep the 1998 land use element the same. As they progressed further they realized that that plan might not be the most viable and that is when URS and the Commission began to look at other alternatives to the 1998 future land use plan. The Plans were then laid out on the table for all present to see and understand what areas were going to be discussed (attached). Mayor Bunnell went on to say that the Commission has been trying to finish the Comprehensive Plan and is in the process of trying to create some type of Green Zone around the Town. He said that sooner or later the Town has to decide how big the Town is going to be. He said that the Commission is doing exactly that with the Comprehensive Plan and that will be for a 20-year period before it must be rewritten again. He said that with everything going on with House Bill 1141 and planning with the County Comprehensive Plan Review the Council felt a need to create a zone around the Town and to create an entirely new zoning district to try and preserve the Town's quality of life. The Council is going to present an Agricultural Zone to the public. The Mayor said, "At the last Planning Commission meeting there was a discussion and some confusion about the financial benefits to a farmer to come into an Agro-Zone within the Town boundaries. That while that possibility exists, the Town will have to look hard at the zoning language of agriculture, to allow certain benefits to the farmer if he chooses to do that, but that is not our intent. Our intent is to create a green zone around the Town to preserve the boundaries of the Town. Personally I would like to see us go out a lot further than that (pointing to the plan on the table) but I think this is a good start and we will see how things proceed over the next six years before we go to another rewrite. I guess this is to try and get your arms around the preservation aspect instead of trying to bring more land into the Town boundaries. If we

declare this a growth area (pointing to the Plan) under Agricultural, the County would then, in most cases, follow suite and down zone what they have as TR now and change to a more agricultural use, so it would preserve that Green Belt around Town. So, with that, Morgan is going to talk about the benefits of a “Green Belt” which is what we are essentially trying to do here.”

Morgan said that when you think of a “Green Belt” around the Town you can think of it as a distinction between where you have commercial spaces, higher density residential development, etc. She said as everyone can picture as you drive down Route 213 it certainly paves the way to a more agricultural landscape. She went on to say that a “Green Belt” makes that more permanent. She said there is no “one size fits all” approach to having a “Green Belt”. She briefly went over a few plans in other states to show the Commission different treatments of applying a “Green Belt”. She said a “Green Belt” around the Town is a green space around the Town that is dedicated to Open Space or Ag Land. She said she could provide to the Commission numerous examples of Towns that have done it across the United States, and that it is not a new idea. She said TDR’s (Transfer of Development Rights) are another way to approach the issue however the County does not have that totally worked out yet. There are also PDR’s (Purchase of Development Rights), but that may require a larger infra structure, perhaps at the County level. The Mayor then pointed out the existing preserved properties in and around the Town.

Member Obenshain said he had some very important revenue and financial outlay questions as far as goods and services. Chris Rogers said that perhaps URS was putting too much of an emphasis on incorporating the Ag/Business side of things into the Town. He went on to say if you think of it as just Agricultural Preservation in allowing the appropriate uses that you are comfortable with, on an “Ag” property within the Town maybe the way to approach the issue. He said that the “Green Agricultural Preservation Area” is providing the limits of the growth area. Member Obenshain said that Town Zoning only applies if the property is annexed into Town and what URS is proposing is a zoning map for properties that are annexed into the Town, which is voluntary on the part of the property owner. He said you couldn’t force someone to annex into Town. Mr. Rogers said that on a tax cost benefit analysis, typically an “Ag” does not require any services and they would be paying some sort of taxes. He went on to say maybe it is more an Urban Growth Boundary concept that maybe they (URS) was not being clear in getting across because they were concentrating so much on the “Ag Business Zone” that was being created for an existing property in Town. Mr. Obenshain said his concern was that the Comprehensive Plan is just guidance, but the Planning and Zoning Ordinances are very specific. The Mayor asked Member Obenshain if he has read the proposed Agricultural Zoning Classification Ordinance. Member Obenshain said that he had and he felt it needed to be more specific. The Mayor asked Member Obenshain to tell him where the Ordinance needed to be more specific. Member Mooreland said that she felt the plan needed to be a “buckled” Green Belt. She said (as she pointed to the Plan) that the Town does not want development encroaching because of a “gap” in the Green Belt. Member Midash asked what is the Town accomplishing with tax revenue with the “Green Belt”? Chris Rogers said it was a good question, but ultimately the idea is to gain control on having development expand out from the Town and preserving the undeveloped areas. Member Midash asked if the “Green Belt” was to preserve the Town and to bring in a tax base? The Mayor responded that the “Green Belt” was not necessarily for the tax base but that it was to preserve the line of delineation on how big the Town is going to grow and then dictate an area outside of the Town’s boundaries that we have the potential to protect forever, hopefully.

Member Obenshain said that what he is trying to avoid is to have someone bringing property into the Town, using the Town’s resources, and then 5 years from now saying, “I can’t farm anymore, and I need to develop it”. Then they will be able to develop it easier, because they are already in the Town’s limits. He asked Morgan Ellis if deed restrictions would be required. She replied that there were several avenues that could be taken beside and in addition to deed restrictions. Member Obenshain asked what happens with preserved land in that same context. He wanted to have deed restrictions so that in the future no developer could say, “I did not know that I could not develop this part of the land”.

Chris Rogers said (pointing to the Plan), “If this is going to be your Town’s boundaries for the next 20 years, whatever kind of restrictions you put on this, then you have the responsibility to make sure that this is developed in a density that is appropriate for meeting long term needs and meets the Town’s character.”

It was agreed that Mr. Rogers would not be reviewing the four options with the Commission this evening and that this was a good “primer” meeting. Mr. Obenshain agreed.

The Mayor asked the Commission to please take a good look at the new “Ag Zoning Ordinance” because it is ready to go to a Public Hearing. He said the Council needed the input and recommendations from the Commission because it will be the Planning and Zoning Commission’s responsibility to administer the Ordinance.

**GOOD OF THE ORDER;**

No comments.

**ADJOURN:**